



General Assembly

February Session, 2014

Raised Bill No. 5591

LCO No. 2972



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE ADOPTION OF THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) Sections 1 to 11,
2 inclusive, of this act may be cited as the Uniform Foreign-Country
3 Money Judgments Recognition Act.

4 Sec. 2. (NEW) (*Effective October 1, 2014*) As used in this section and
5 sections 3 to 11, inclusive, of this act, unless the context clearly requires
6 otherwise:

7 (1) "Foreign country" means a government other than:

8 (A) The United States;

9 (B) A state, district, commonwealth, territory or insular possession
10 of the United States; or

11 (C) Any other government with regard to which the decision in this
12 state as to whether to recognize a judgment of that government's

13 courts is initially subject to determination under the Full Faith and
14 Credit Clause of the United States Constitution.

15 (2) "Foreign-country judgment" means a judgment of a court of a
16 foreign country.

17 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) Except as provided in
18 subsection (b) of this section, sections 2 to 11, inclusive, of this act
19 apply to a foreign-country judgment to the extent that the judgment:

20 (1) Grants or denies recovery of a sum of money; and

21 (2) Under the law of the foreign country where rendered, is final,
22 conclusive and enforceable.

23 (b) Sections 2 to 11, inclusive, of this act do not apply to a foreign-
24 country judgment, even if the judgment grants or denies recovery of a
25 sum of money, to the extent that the judgment is:

26 (1) A judgment for taxes;

27 (2) A fine or other penalty; or

28 (3) A judgment for divorce, support or maintenance, or other
29 judgment rendered in connection with domestic relations.

30 (c) A party seeking recognition of a foreign-country judgment has
31 the burden of establishing that sections 2 to 11, inclusive, of this act
32 apply to the foreign-country judgment.

33 Sec. 4. (NEW) (*Effective October 1, 2014*) (a) Except as provided in
34 subsections (b) and (c) of this section, a court of this state shall
35 recognize a foreign-country judgment to which sections 2 to 11,
36 inclusive, of this act apply.

37 (b) A court of this state may not recognize a foreign-country
38 judgment if:

39 (1) The judgment was rendered under a judicial system that does
40 not provide impartial tribunals or procedures compatible with the
41 requirements of due process of law;

42 (2) The foreign court did not have personal jurisdiction over the
43 defendant; or

44 (3) The foreign court did not have jurisdiction over the subject
45 matter.

46 (c) A court of this state need not recognize a foreign-country
47 judgment if:

48 (1) The defendant in the proceeding in the foreign court did not
49 receive notice of the proceeding in sufficient time to enable the
50 defendant to defend;

51 (2) The judgment was obtained by fraud that deprived the losing
52 party of an adequate opportunity to present its case;

53 (3) The judgment or the cause of action on which the judgment is
54 based is repugnant to the public policy of this state or of the United
55 States;

56 (4) The judgment conflicts with another final and conclusive
57 judgment;

58 (5) The proceeding in the foreign court was contrary to an
59 agreement between the parties under which the dispute in question
60 was to be determined otherwise than by proceedings in that foreign
61 court;

62 (6) In the case of jurisdiction based only on personal service, the
63 foreign court was a seriously inconvenient forum for the trial of the
64 action;

65 (7) The judgment was rendered in circumstances that raise

66 substantial doubt about the integrity of the rendering court with
67 respect to the judgment; or

68 (8) The specific proceeding in the foreign court leading to the
69 judgment was not compatible with the requirements of due process of
70 law.

71 (d) A party resisting recognition of a foreign-country judgment has
72 the burden of establishing that a ground for nonrecognition set forth in
73 subsection (b) or (c) of this section exists.

74 Sec. 5. (NEW) (*Effective October 1, 2014*) (a) A foreign-country
75 judgment may not be refused recognition for lack of personal
76 jurisdiction if:

77 (1) The defendant was served with process personally in the foreign
78 country;

79 (2) The defendant voluntarily appeared in the proceeding, other
80 than for the purpose of protecting property seized or threatened with
81 seizure in the proceeding or contesting the jurisdiction of the court
82 over the defendant;

83 (3) The defendant, before the commencement of the proceeding, had
84 agreed to submit to the jurisdiction of the foreign court with respect to
85 the subject matter involved;

86 (4) The defendant was domiciled in the foreign country when the
87 proceeding was instituted or was a corporation or other form of
88 business organization that had its principal place of business in, or was
89 organized under the laws of, the foreign country;

90 (5) The defendant had a business office in the foreign country and
91 the proceeding in the foreign court involved a cause of action arising
92 out of business done by the defendant through that office in the
93 foreign country; or

94 (6) The defendant operated a motor vehicle or airplane in the
95 foreign country and the proceeding involved a cause of action arising
96 out of that operation.

97 (b) The bases for personal jurisdiction set forth in subsection (a) of
98 this section are not exclusive. The courts of this state may recognize
99 bases for personal jurisdiction other than those set forth in subsection
100 (a) of this section as sufficient to support a foreign-country judgment.

101 Sec. 6. (NEW) (*Effective October 1, 2014*) (a) If recognition of a
102 foreign-country judgment is sought as an original matter, the issue of
103 recognition shall be raised by filing an action seeking recognition of
104 the foreign-country judgment.

105 (b) If recognition of a foreign-country judgment is sought in a
106 pending action, the issue of recognition may be raised by counterclaim,
107 cross-claim or affirmative defense.

108 Sec. 7. (NEW) (*Effective October 1, 2014*) If the court in a proceeding
109 under section 6 of this act finds that the foreign-country judgment is
110 entitled to recognition under sections 2 to 11, inclusive, of this act,
111 then, to the extent that the foreign-country judgment grants or denies
112 recovery of a sum of money, the foreign-country judgment is:

113 (1) Conclusive between the parties to the same extent as the
114 judgment of a sister state entitled to full faith and credit in this state
115 would be conclusive; and

116 (2) Enforceable in the same manner and to the same extent as a
117 judgment rendered in this state.

118 Sec. 8. (NEW) (*Effective October 1, 2014*) If a party establishes that an
119 appeal from a foreign-country judgment is pending or will be taken,
120 the court may stay any proceedings with regard to the foreign-country
121 judgment until the appeal is concluded, the time for appeal expires or
122 the appellant has had sufficient time to prosecute the appeal and has

123 failed to do so.

124 Sec. 9. (NEW) (*Effective October 1, 2014*) An action to recognize a
 125 foreign-country judgment shall be commenced within the earlier of the
 126 time during which the foreign-country judgment is effective in the
 127 foreign country or fifteen years from the date that the foreign-country
 128 judgment became effective in the foreign country.

129 Sec. 10. (NEW) (*Effective October 1, 2014*) In applying and construing
 130 sections 2 to 11, inclusive, of this act, consideration shall be given to the
 131 need to promote uniformity of the law with respect to its subject
 132 matter among states that enact it.

133 Sec. 11. (NEW) (*Effective October 1, 2014*) Sections 2 to 11, inclusive,
 134 of this act do not prevent the recognition under principles of comity or
 135 otherwise of a foreign-country judgment not within the scope of
 136 sections 2 to 11, inclusive, of this act.

137 Sec. 12. Sections 50a-30 to 50a-38, inclusive, of the general statutes
 138 are repealed. (*Effective October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>October 1, 2014</i>	New section
Sec. 7	<i>October 1, 2014</i>	New section
Sec. 8	<i>October 1, 2014</i>	New section
Sec. 9	<i>October 1, 2014</i>	New section
Sec. 10	<i>October 1, 2014</i>	New section
Sec. 11	<i>October 1, 2014</i>	New section
Sec. 12	<i>October 1, 2014</i>	Repealer section

Statement of Purpose:

To revise the Uniform Foreign Money-Judgments Recognition Act through adoption of the Uniform Foreign-Country Money Judgments Recognition Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]